

IN THE UNITED STATES DISTRICT COURT  
FOR DISTRICT OF DELAWARE

ROBBIE D. JONES

PLAINTIFF,

C.A. NO. 04-1523-JJF.

v.

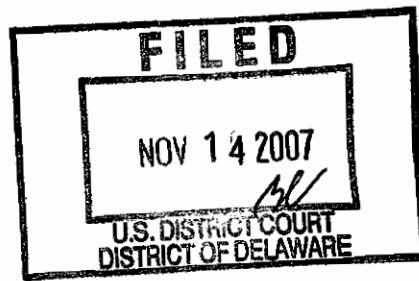
COMMISSIONER STAN TAYLOR

WARDEN RICK KEARNEY

SGT. BARRY BILES AND

TZANNA BANKS

DEFENDANTS



PLAINTIFF'S ANSWER TO DEFENDANTS'  
MOTION FOR SUMMARY

D

DEFENDANTS' STATEMENT OF FACTS ARE, IN ALL ACTUALITY,  
NOT FACTS AND ARE, FURTHERMORE, IN CONTENTION. SPECIFICALLY,  
\* PARAGRAPH 1, LINES 4 & 5, PARAGRAPH 2, LINES 6 THRU 13,  
\* PARAGRAPH 3 LINES 1 THRU 3, PARAGRAPH 8, LINES 1 THRU 3.

ARGUMENT

THE PRECEDENT SET FORTH BY FEDERAL 56(C) HAS NOT BEEN MET  
BY THE DEFENDANTS, AS THERE IS A GENUINE ISSUE THAT MOYANT  
FEELS WOULD BE BEST RESOLVED BY THIS COURT, I HAVE INDEED  
A GENUINE ISSUE THAT CAN ONLY BE PROVEN IN CROSS EXAMINATION  
OF THE DEFENDANTS, AND A FAIR Minded JURY MAY, IN FACT, SEE  
THE EVIDENCE AS SUPPORTIVE TO ME AND MY CASE.

ANSWER TO SECTION B.

PLAINTIFF JONES CAN ESTABLISH AN EIGHTH AMENDMENT CLAIM. DEFENDANTS TAYLOR AND KEARNEY WERE NOTIFIED BY HANDWRITTEN LETTER THAT A CLAIM OF EXCESSIVE FORCE NEEDED TO BE LOOKED IN TO AND ONLY, ALLEGEDLY SPOKE WITH THE EMPLOYEES AND NOT MYSELF. DEFENDANT BILES USE EXCESSIVE FORCE. DEFENDANT BILES ALSO PERJURED HIMSELF, IN AN AFFIDAVIT, HE CLAIMS THAT I CAME TO HIS OFFICE YELLING, YET OFC. BANKS SAYS SHE HAS NO RECOLLECTION OF THIS INCIDENT. FURTHERMORE, SGT. BILES, SAYS HE RESTRAINED ME AND TOOK ME TO ASDA, HOWEVER AFTER OFC. DAVID SEYMOUR TOLD HER TO STOP, HE LET ME GO AND SENT ME BACK UPSTAIRS WHERE OFC. BANKS HAD TO LET ME BACK ON TO THE TIER, PROVING THE INCONSISTENCIES OF THEIR TESTIMONY. AND LASTLY SGT. BILES ENTERED MY TIER (D-TIER MEDIUM) WITH OFC'S SEYMOUR & JACKSON, HANDCUFFED ME AND THEN PROCEEDED TO ESCORT ME TO ASDA. ONCE AGAIN PROVING THE INCONSISTENCIES OF THEIR TESTIMONY.

ANSWER TO SECTION C

OFC. BANKS DID FAIL TO PROTECT PLAINTIFF OFC. BANKS EITHER HEARD ME YELLING OR DIDN'T HEAR ANYTHING, IF SHE HEARD ME YELLING AND DID NOT COME SHE FAILED TO PROTECT ME AND HER CO-WORKER. BECAUSE THE SPACE IS SO SMALL I HAD BEEN YELLING AND CURSWING THERE WOULD BE NO WAY SHE WOULDN'T HAVE HEARD ME, BECAUSE THE UPSTAIRS DUTY DESK IS NEAR THE DOOR AND THE HALLWAY, YET SHE HAS NO RECOLLECTION OF THIS, FURTHERMORE PROVING INCONSISTENCIES IN THE DEFENDANTS TESTIMONY.

ANSWER TO SECTION A

DEFENDANT BILES' ACTIONS WERE EXCESSIVE  
ACCORDING TO THE FIVE FACTORS LISTED BY THE DEFENSE  
THE DEFENDANT (BILES) WAS IN THE WRONG AND IN EXCESS OF  
THE LAW;<sup>1)</sup> THERE WAS NO NEED FOR APPLICATION OF FORCE BE-  
CAUSE THE DEFENDANT SAYS SO. PLAINTIFF MAINTAINS THAT  
THREATENING BEHAVIOR WAS NEVER EXHIBITED. ONCE AGAIN  
THE INCONSISTENCY IS DEMONSTRATED. HERE SGT BILES  
CLAIMS HE WAS YELLING, USING PROFANITY & BEING UNCOOPERATIVE,  
YET NO OTHER OFFICER CAN VERIFY THIS, IN FACT, THEY SAY IN  
THEIR AFFIDAVITS THAT THEY CAN'T REMEMBER THIS MOST IMPORTANT  
FACT. TO HAVE THE OTHER FOUR STANDARDS MET, THE 1<sup>ST</sup> MUST BE  
UPHELD, IN THIS CASE IT ISN'T.

CONCLUSION

THE DEFENDANTS HAVE FALSED DOCUMENTS TO PROTECT  
ONE OF THEIR OWN. THEY HAVE ALSO LIED IN THEIR AFFIDAVITS  
AND THEIR DEPOSITIONS. IF NOT DEALT WITH THIS PROBLEM WITH-  
IN THESE WALLS WILL ONLY GET WORSE. WITHOUT THE ELOQUENT  
"LEGALESE" I FEEL I HAVE SUCCESSFULLY POINTED OUT THE INCON-  
SISTENCIES IN THE TESTIMONY AND DEMAND MY OWN RIGHT  
TO A TRIAL BY JURY.

ROBBIE DETHAUGHN JONES  